

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted with Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)	Attorney Docket Number	32355.12.7.5
	First Named Inventor	Jeffrey B. Felt
	COMPLETE IF KNOWN	
	Application Number	10/520,979
	Filing Date	July 10, 2003
	Art Unit	Unknown
	Examiner Name	Unknown

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND KIT FOR INTERPOSITIONAL ARTHROPLASTY /

the specification of which

(Title of the Invention)

☐ is attached hereto

OR

☐ was filed on (MM/DD/YYYY)

07/10/2003 /

as United States Application Number or PCT International

Application Number

PCT/US03/21513 /

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
PCT/US02/40883 /	PCT /	12/19/2002 /	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT/US03/02142 /	PCT /	01/22/2003 /	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 4]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION – UTILITY OR DESIGN PATENT APPLICATION

I hereby claim the benefit under 37 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto
60/395,301 /	07/11/2002 /	

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35, U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application Numbers	Filing Date (MM/DD/YYYY)	Status (Patented, Pending, Abandoned)

Direct all correspondence to: ☒ Customer Number 022859 OR ☐ Correspondence address below

Name
FREDRIKSON & BYRON, P.A.

Address
200 South Sixth Street, Suite 4000

City <u>Minneapolis</u>	State <u>Minnesota</u>	ZIP <u>55402</u>
Country <u>USA</u>	Telephone <u>(612) 492-7000</u>	Fax <u>(612) 492-7077</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given name
(first and middle [if any])
Jeffrey C.

Family Name
or Surname
FELT

Inventor's
Signature

Jeffrey C. Felt

Date
1/12/05

Residence: City <u>Greenwood MN</u>	State <u>Minnesota</u>	Country <u>USA</u>	Citizenship <u>USA</u>
--	---------------------------	-----------------------	---------------------------

Mailing Address
4800 Lodge Lane

City <u>Greenwood</u>	State <u>Minnesota</u>	ZIP <u>55331</u>	Country <u>USA</u>
--------------------------	---------------------------	---------------------	-----------------------

☒ Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

Rec'd PCT/PTO 11 JAN 2005

10/520979

PTO/SB/01 (08/03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION - UTILITY OR DESIGN PATENT APPLICATION

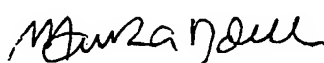
NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle (if any))

Mark A.

Family Name
or Surname

RYDELL

Inventor's
Signature

Date

1-12-05

Residence: City

Golden Valley

MN

State

Minnesota

Country

USA

Citizenship

USA

Mailing Address

516 Turnpike Road

City

Golden Valley

State

Minnesota

ZIP

55416

Country

USA

☐ Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

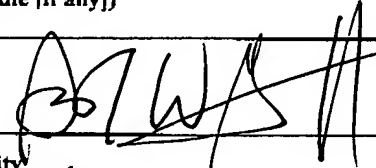
NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle (if any))

David

Family Name
or Surname

GRIFFIN

Inventor's
Signature

Date

1/14/05

Residence: City

Vero Beach

FL

State

Florida

Country

USA

Citizenship

USA

Mailing Address

979 37th Place1285 36th St Suite 100

City

Vero Beach

State

Florida

ZIP

32960

Country

USA

☐ Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle (if any))

Paul J.

Family Name
or Surname

BUSCEMI

Inventor's
Signature

Date

11 Jan 05

Residence: City

Long Lake

MN

State

Minnesota

Country

USA

Citizenship

USA

Mailing Address

2310 Tamarack Drive

City

Long Lake

State

Minnesota

ZIP

55356

Country

USA

☒ Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

Rec'd PCT/PTO 11 JAN 2005

10/520979


PTO/SB/01 (08/03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION – UTILITY OR DESIGN PATENT APPLICATION

NAME OF FIFTH INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Alexander		Family Name or Surname ARSENYEV	
Inventor's Signature 		Date 1/13/05	
Residence: City Eagan MN	State Minnesota	Country USA	Citizenship RU
Mailing Address 1845 Turquoise Trail			
City Eagan	State Minnesota	ZIP 55122	Country USA
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

[Page 4 of 4]

#3062697\1

Rec'd PCT/PTO 11 JAN 2005
10/520979

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

☒ Practitioners associated with the Customer Number:

022859

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

The practitioners associated with customer number **022859** (Fredrikson & Byron, P.A.) are hereby granted authorization to sign the attached statement under 37 CFR §3.73(b) that evidences ownership by **Advanced Bio Surfaces, Inc.**

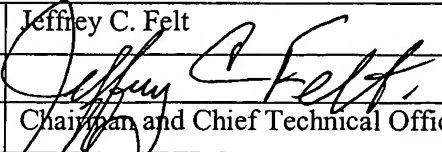
Assignee Name and Address:

Advanced Bio Surfaces, Inc.
5909 Baker Road
Suite 550
Minnetonka, MN 55345

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Jeffrey C. Felt	Date	1/19/05
Signature		Telephone	(952) 912-5400
Title	Chairman and Chief Technical Officer		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Jeffrey C. Felt, Mark A. Rydell, David Griffin, Paul J. Buscemi, and Alexander Arsenyev

Application No./Patent No.: _____ Filed/Issue Date: 11 January 2005

Entitled: METHOD AND KIT FOR INTERPOSITIONAL ARTHROPLASTY

ADVANCED BIO SURFACES, INC., a _____ corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

August 16, 2005
Date

Matthew J.S. Graham
Typed or printed name

[Signature]
Signature

Attorney
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

RECORDATION FORM COVER SHEET
PATENTS ONLY

OMB No. 0651-0027 (Exp. 6/30/2005).

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

10/520979

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

Jeffrey C. Felt, Mark A. Rydell, David Griffin, Paul J. Buscemi,
and Alexander ArsenyevExecution Date(s): 11 January 2005, 12 January 2005, and
14 January 2005Additional names(s) of conveying party(ies) attached? ☐ yes ☒ no

3. Nature of Conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☐ Other

2. Name and address of receiving party(ies):

Name: Advanced Bio Surfaces, Inc.

Internal Address: Suite 550

Street Address: 5909 Baker Road

City: Minnetonka State: Minnesota ZIP: 55345

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

☐ This document is being filed together with a new application

A. Patent Application No.(s)

10/520,979

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Fredrikson & Byron, P.A.Internal Address: Suite 4000Street Address: 200 South Sixth StreetCity: MinneapolisState: Minnesota ZIP: 55402Phone Number: 612.492.7000Fax Number: 612.492.7077Email address: ip@fredlaw.com

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 1.21(h) and 3.41): \$ 40.00

- ☒ Enclosed
☒ Authorized to charge filing fees, any deficiency or credit any
overpayment to deposit account number 061910

8. Deposit account number:

061910

(Attach duplicate copy of this page if paying by deposit account)

9. Signature:

Signature

Matthew J.S. Graham

Name of Person Signing

Date

3/15/05

Total number of pages including cover sheet, attachments, and document: [5]

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:

Mail Stop Assignment Recordation Services, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450

ASSIGNMENT

We, Jeffrey C. Felt, Mark A. Rydell, David Griffin, and Paul J. Buscemi, citizens of the United States of America, residing at 4800 Lodge Lane, Greenwood, Minnesota 55331, 516 Turnpike Road, Golden Valley, Minnesota 55416, 1285 - 36th Street, Suite 100, Vero Beach, Florida 32960, and 2310 Tamarack Drive, Long Lake, Minnesota 55356, respectively, and Alexander Arsenyev, citizen of the Russian Federation, residing at 1845 Turquoise Trail, Eagan, Minnesota 55122 have made an invention relating to METHOD AND KIT FOR INTERPOSITIONAL ARTHROPLASTY, and have executed an application for United States Letters Patent based thereon and identified by attorney's File No. 32355.12.7.5 and naming the following inventors: Jeffrey C. Felt, Mark A. Rydell, David Griffin, Paul J. Buscemi, and Alexander Arsenyev, Application No. 10/520,979, filed 1/11/2005.

In exchange for good and valuable consideration, the receipt of which we now acknowledge, we hereby assign to Advanced Bio Surfaces, Inc., a Minnesota corporation having its principal place of business at 5909 Baker Road, Suite 550, Minnetonka, MN 55345, its successors and assigns:

- (1) The entire right, title and interest to the above-identified invention and application;
- (2) The entire right, title and interest to any United States or foreign Letters Patents which may issue with respect to the above-identified invention;
- (3) The entire right, title and interest to any renewals, reissues, extensions, substitutions, continuations, continuations-in-part, or divisions that may be filed with respect to the above-identified invention and application; and
- (4) The right to apply for Letters Patents in foreign countries in its own name and to claim any priority rights to which such foreign applications are entitled under international conventions, treaties or otherwise.

We further agree for ourselves and for our heirs, executors and administrators, to execute and deliver without further consideration any further applications, assignments or other documents and to perform such other lawful acts as Advanced Bio Surfaces, Inc., its successors and assigns may deem necessary to fully secure its rights, title or interest as outlined herein.

We hereby authorize and request the Commissioner of Patents and Trademarks to issue to Advanced Bio Surfaces, Inc., any Letters Patents which may be granted in accordance with this Assignment.

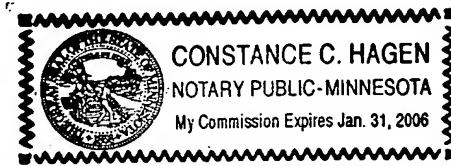
Dated this 12 day of January, 2005.



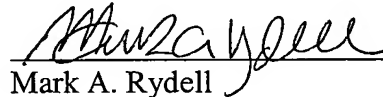
Jeffrey C. Felt

Subscribed and sworn to before me
this 12 day of January, 2005.

Constance C. Hagen
Notary Public



Dated this 12 day of January, 2005.



Mark A. Rydell

Subscribed and sworn to before me
this 12 day of January, 2005.

Constance C. Hagen
Notary Public

Dated this ____ day of _____, 2005.

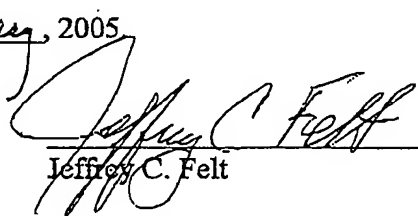
David Griffin

Subscribed and sworn to before me
this ____ day of _____, 2005.

Notary Public

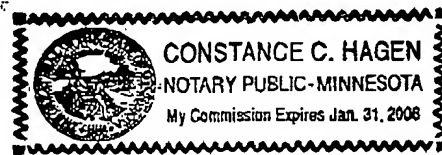
We hereby authorize and request the Commissioner of Patents and Trademarks to issue to Advanced Bio Surfaces, Inc., any Letters Patents which may be granted in accordance with this Assignment.

Dated this 12 day of January, 2005.

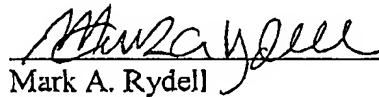

Jeffrey C. Felt

Subscribed and sworn to before me
this 12 day of January, 2005.

Constance C. Hagen
Notary Public



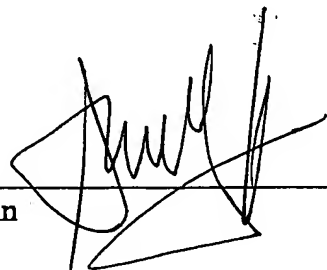
Dated this 12 day of January, 2005.


Mark A. Rydell

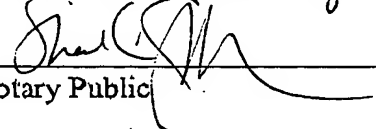
Subscribed and sworn to before me
this 12 day of January, 2005.

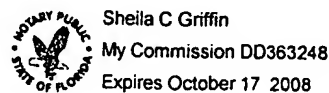
Constance C. Hagen
Notary Public

Dated this 14th day of January, 2005.



David Griffin

Subscribed and sworn to before me
this 14th day of January, 2005.


Notary Public



Dated this 11 day of January, 2005.

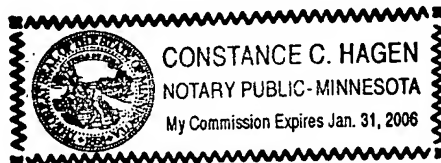


Paul J. Buscemi

Subscribed and sworn to before me
this 11 day of January, 2005.

Constance C. Hagen

Notary Public



Dated this 11 day of January, 2005.

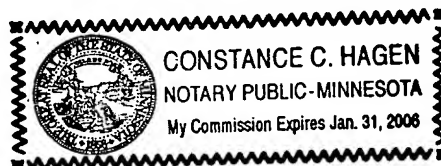


Alexander Arsenyev

Subscribed and sworn to before me
this 11 day of January, 2005.

Constance C. Hagen

Notary Public



#3062695\1